

**House File 2426 - Introduced**

HOUSE FILE 2426

BY GERHOLD, BRADLEY, and  
DUNWELL

**A BILL FOR**

1 An Act relating to the electronic delivery of absentee ballots  
2 for persons with certain physical disabilities.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 53.2, subsection 2, Code 2022, is amended  
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *e.* Absentee ballot applications shall  
4 include a space for a registered voter with a physical  
5 disability that prevents the registered voter from reading  
6 or marking a printed ballot without assistance from another  
7 person to request that an absentee ballot be delivered to the  
8 registered voter electronically. A voter requesting that an  
9 absentee ballot be delivered electronically shall explain  
10 why the voter cannot read or mark a physical absentee ballot  
11 without assistance from another person. The state commissioner  
12 shall adopt rules regarding the form of electronic absentee  
13 ballots.

14 Sec. 2. Section 53.8, subsection 1, paragraph a, unnumbered  
15 paragraph 1, Code 2022, is amended to read as follows:

16 Upon receipt of an application for an absentee ballot and  
17 immediately after the absentee ballots are printed, but not  
18 more than twenty days before the election, the commissioner  
19 shall mail an absentee ballot to the applicant within  
20 twenty-four hours, except as otherwise provided in subsection  
21 3 or 5. The absentee ballot shall be sent to the registered  
22 voter by one of the following methods:

23 Sec. 3. Section 53.8, subsection 3, paragraph c, Code 2022,  
24 is amended to read as follows:

25 *c.* Nothing in [this subsection](#) nor in [section 53.22](#)  
26 shall be construed to prohibit a registered voter who is a  
27 hospital patient or resident of a health care facility, or who  
28 anticipates entering a hospital or health care facility before  
29 the date of a forthcoming election, from casting an absentee  
30 ballot in the manner prescribed by [section 53.10](#) or [53.11](#), or  
31 from completing an electronic absentee ballot in the manner  
32 prescribed by subsection 5.

33 Sec. 4. Section 53.8, Code 2022, is amended by adding the  
34 following new subsection:

35 NEW SUBSECTION. 5. *a.* (1) When an application for an

1 absentee ballot is received by the commissioner from a voter  
2 who has indicated that the voter has a physical disability that  
3 prevents the voter from reading or marking a printed ballot  
4 without assistance from another person, the commissioner shall  
5 determine whether the voter qualifies to receive an electronic  
6 absentee ballot. If the commissioner determines that the  
7 voter qualifies to receive an electronic absentee ballot, the  
8 commissioner shall transmit an electronic absentee ballot to  
9 the voter in a form that allows the voter to electronically  
10 read and mark the ballot on a personal computer without the  
11 assistance of another person. An electronic absentee ballot  
12 shall not be transmitted prior to the mailing of physical  
13 absentee ballots. In addition to an electronic absentee  
14 ballot, the commissioner shall mail all physical materials  
15 other than an absentee ballot as provided in subsections 1 and  
16 2.

17 (2) If the commissioner determines that the voter does  
18 not qualify to receive an electronic absentee ballot, the  
19 commissioner shall inform the voter by the best means available  
20 that the voter does not qualify to receive an electronic  
21 absentee ballot, the reason for the rejection, and that the  
22 voter shall be mailed a physical absentee ballot.

23 *b.* An electronic absentee ballot completed pursuant to  
24 paragraph "a" shall be printed by the voter and returned to  
25 the commissioner as provided in section 53.17, using the same  
26 method as required for physical absentee ballots in that  
27 election. An electronic absentee ballot shall not be returned  
28 electronically.

29 *c.* The state commissioner shall adopt rules for the  
30 transmission and marking of electronic absentee ballots.

31 Sec. 5. Section 53.22, subsection 2, paragraph a,  
32 subparagraph (1), Code 2022, is amended to read as follows:

33 (1) A registered voter who has applied for an absentee  
34 ballot, in a manner other than that prescribed by section  
35 53.10 or 53.11, or by section 53.8, subsection 5, and who

1 is a resident, tenant, or patient in a health care facility,  
 2 assisted living program, or hospital located in the county to  
 3 which the application has been submitted shall be delivered  
 4 the appropriate absentee ballot by two special precinct  
 5 election officers, one of whom shall be a member of each of the  
 6 political parties referred to in [section 49.13](#), who shall be  
 7 appointed by the commissioner from the election board panel  
 8 for the special precinct established by [section 53.20](#). The  
 9 special precinct election officers shall be sworn in the manner  
 10 provided by [section 49.75](#) for election board members, shall  
 11 receive compensation as provided in [section 49.20](#), and shall  
 12 perform their duties during the ten calendar days after the  
 13 ballots are printed if the commissioner so elects, during the  
 14 fourteen calendar days preceding the election, and on election  
 15 day if all ballots requested under [section 53.8, subsection 3](#),  
 16 have not previously been delivered and returned.

## EXPLANATION

18           The inclusion of this explanation does not constitute agreement with  
 19           the explanation's substance by the members of the general assembly.

20       This bill relates to the electronic delivery of absentee  
 21 ballots to certain persons. The bill requires the state  
 22 commissioner of elections to include a space on absentee ballot  
 23 request forms for a voter to indicate that the voter wants to  
 24 receive an electronic absentee ballot because the voter has a  
 25 physical disability that prevents the voter from reading and  
 26 marking a physical ballot without the assistance of another  
 27 person. If, upon receipt of an absentee ballot request form,  
 28 the county commissioner of elections determines that the voter  
 29 qualifies to receive an electronic absentee ballot, the county  
 30 commissioner shall transmit an electronic absentee ballot  
 31 to the voter at the time that physical absentee ballots are  
 32 mailed. If the county commissioner determines that the voter  
 33 does not qualify to receive an electronic absentee ballot, the  
 34 county commissioner shall inform the voter of the rejection,  
 35 the reason therefore, and that the voter will receive a

1 physical absentee ballot.

2     The bill requires an electronic absentee ballot to be  
3 transmitted in a form that allows the voter to read and mark  
4 the ballot using a personal computer. The bill then requires  
5 the voter to print the absentee ballot and return it in the  
6 same manner as prescribed for physical absentee ballots. The  
7 bill does not allow a voter to return an absentee ballot  
8 electronically. The bill requires the state commissioner of  
9 elections to adopt rules regarding the form, transmission, and  
10 marking of electronic absentee ballots.